

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BERT MAJORS,

Plaintiff,

v.

CITY OF BLOOMFIELD HILLS, THOMAS
VAN SIMAEYS, and DANIEL TELFER, in their
individual and official capacities,

Defendants.

Case No. 11-15249

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Bert Majors filed a four-count complaint in this court alleging the following causes of action: violations of 42 U.S.C. § 1983 for excessive force in Count I; assault and battery in Count II; gross negligence in Count III; and other constitutional violations in Count IV. Although Plaintiff's federal causes of action are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations in Counts II and III present claims based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Accordingly, it is hereby **ORDERED** that Counts II and III are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: March 8, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 8, 2012, using the ECF system.

s/William Barkholz
Case Manager